

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	File Number EB-02-TP-380
	)	
Gulf Stream Natural Gas System	)	NAL/Acct. No. 200232700025
Owner of Antenna Structure Registration Number	)	FRN: 0006285712
1232899 in Ft. Meade, Florida	)	
Houston, Texas	)	

**NOTICE OF APPARENT LIABILITY FOR FORFEITURE**

**Released: September 30, 2002**

By the Enforcement Bureau, Tampa Office:

**I. INTRODUCTION**

1. In this Notice of Apparent Liability for Forfeiture (“NAL”), we find Gulf Stream Natural Gas System (“Gulf Stream”), owner of antenna structure 1232899 in Ft. Meade, Florida, willfully violated Section 17.51 of the Commission's Rules (“Rules”)<sup>1</sup> by failing to exhibit medium intensity obstruction lighting on structure 1232899. We conclude that Gulf Stream is apparently liable for a forfeiture in the amount of ten thousand dollars (\$10,000).

**II. BACKGROUND**

2. Antenna structure #1232899 is located in Ft. Meade, Florida. Gulf Stream is the registered owner of this structure. The structure's Antenna Structure Registration (“ASR”) specifies that the structure be lit with a medium intensity dual lighting system.

3. On July 26, 2002, agents from the FCC Enforcement Bureau, Tampa Office, observed that structure 1232899 was not illuminated per its assigned painting and lighting specifications in that the top and ½ level strobe lights were extinguished. On July 26, 2002, FCC agents contacted the Federal Aviation Administration (“FAA”) who confirmed that the structure owner had not reported a light outage for this structure.

4. On July 31, 2002 an agent from the FCC Enforcement Bureau, Tampa Office spoke with a representative of Gulf Stream who stated that they were aware of an electrical problem with the structure on July 25, 2002, and confirmed that Gulf Stream never notified the FAA of the light outage.

**III. DISCUSSION**

5. Section 17.51 requires that all high intensity and medium intensity obstruction lighting be

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<sup>1</sup> 47 C.F.R. § 17.51.

exhibited continuously unless otherwise specified. On July 26, 2002, Gulf Stream failed to exhibit medium intensity obstruction lighting on structure 1232899 in accordance with its registration requirements. In addition, Gulf Stream did not report the light outage to the FAA.<sup>2</sup>

6. Based on the evidence before us, we find Gulf Stream willfully<sup>3</sup> violated Section 17.51 of the Rules by failing to exhibit tower lights on structure 1232899.

7. Pursuant to Section 1.80(b)(4) of the Rules,<sup>4</sup> the base forfeiture amount for failure to exhibit obstruction lighting is \$10,000. Section 503(b)(2)(D) of the Communications Act of 1934, as amended (“Act”), requires us to take into account “... the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of culpability, any history or prior offenses, ability to pay, and other such matters as justice may require.”<sup>5</sup> Considering the entire record and applying the factors listed above, this case warrants a \$10,000 forfeiture.

#### **IV. ORDERING CLAUSES**

8. Accordingly, IT IS ORDERED THAT, pursuant to Section 503(b) of the Act,<sup>6</sup> and Sections 0.111, 0.311 and 1.80 of the Rules,<sup>7</sup> Gulf Stream Natural Gas System is hereby NOTIFIED of this APPARENT LIABILITY FOR A FORFEITURE in the amount of ten thousand dollars (\$10,000) for willful violation of Section 17.51 of the Rules by failing to exhibit obstruction lighting on structure 1232899 in Ft. Meade, Florida.

9. IT IS FURTHER ORDERED THAT, pursuant to Section 1.80 of the Rules, within thirty days of the release date of this NAL, Gulf Stream Natural Gas System, SHALL PAY the full amount of the proposed forfeiture or SHALL FILE a written statement seeking reduction or cancellation of the proposed forfeiture.

10. Payment of the forfeiture may be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note the NAL/Acct. No. and FRN referenced in the letterhead above.

11. The response if any, must be mailed to Federal Communications Commission, Office of the Secretary, 445 12<sup>th</sup> Street SW, Washington, DC 20554, Attn: Enforcement Bureau-Technical & Public Safety Division, and MUST INCLUDE THE NAL/and FRN referenced in the letterhead above.

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<sup>2</sup> Antenna structure owners must notify the FAA of any known improper functioning of any flashing or top light on a structure that is not corrected within 30 minutes. See 47 C.F.R. § 17.48(a).

<sup>3</sup> Section 312(f)(1) of the Act, 47 U.S.C. § 312(f)(1), which applies to violations for which forfeitures are assessed under Section 503(b) of the Act, provides that “[t]he term ‘willful’, when used with reference to the commission or omission of any act, means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act . . . .” See *Southern California Broadcasting Co.*, 6 FCC Rcd 4387-88 (1991).

<sup>4</sup> 47 C.F.R. § 1.80(b)(4).

<sup>5</sup> 47 U.S.C. § 503(b)(2)(D).

<sup>6</sup> 47 U.S.C. § 503(b).

<sup>7</sup> 47 C.F.R. §§ 0.111, 0.311, 1.80.

12. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices (“GAAP”); or (3) some other reliable and objective documentation that accurately reflects the petitioner’s current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

13. Requests for payment of the full amount of this Notice of Apparent Liability under an installment plan should be sent to: Federal Communications Commission, Chief, Revenue and Receivables Operations Group, 445 12<sup>th</sup> Street, SW, Washington, DC 20554.<sup>8</sup>

14. IT IS FURTHER ORDERED THAT a copy of this Notice of Apparent Liability shall be sent by regular mail and Certified Mail Return Receipt Requested to Gulf Stream Natural Gas System, 2800 Post Oak Blvd., Houston, TX 77612.

FEDERAL COMMUNICATIONS COMMISSION

Ralph M. Barlow  
Tampa Office, Enforcement Bureau

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<sup>8</sup> See 47 C.F.R. § 1.1914.